

AO 440 (Rev. 8/01) Summons in a Civil Action

# UNITED STATES DISTRICT COURT

Southern

District of

New York

Merrill Lynch Business Financial Services Inc.,

## SUMMONS IN A CIVIL ACTION

J.S. Suarez, Inc., Ramona Suarez, Matthew Suarez,  
U.S. Small Business Administration and "John Doe  
#1" through "John Doe #12", are fictitious and  
unknown to plaintiff

CASE NUMBER:

**07 CIV 9728**  
**JUDGE BUCHWALD**

TO: (Name and address of Defendant)

Matthew Suarez, 250 East 73rd Street, Apt 18G, New York, NY 10021

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)  
Spencer L. Schneider, Esq., 70 Lafayette St, NY, NY 10013

an answer to the complaint which is served on you with this summons, within Twenty (20) days after serv  
of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against  
for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with  
Clerk of this Court within a reasonable period of time after service.

**NOV 02 2007**

CLERK **J. MICHAEL McMAHON**

DATE

Format m/d/yyyy

(By) DEPUTY CLERK

*Mano Quintero*

MERRILL LYNCH BUSINESS FINANCIAL SERVICES INC.

Index #: 07 CV 9728 BUCHWALD

Plaintiff(s)

- against -

Date Filed:

J.S. SUAREZ, INC., ETAL

Defendant(s)

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

BYRAN E. MCELDERRY BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on November 5, 2007 at 03:12 PM at

C/O J.S. SUAREZ INC.  
5 WEST 56TH STREET  
NEW YORK, NY 10019

deponent served the within true copy of the SUMMONS & COMPLAINT, CIVIL COVER SHEET, ORDER TO SHOW CAUSE, DECLARATION OF DANIEL J DOWNS, MEMO OF LAW, JUDGES' RULES on MATTHEW SUAREZ, the defendant/respondent therein named.

**INDIVIDUAL** by delivering a true copy of each to said defendant/respondent personally; deponent knew the person so served to be the person described as the defendant/respondent therein and he identified himself as such.

Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx.)
MALE	BROWN	GREY/BLACK	46	5'10	160


**MILITARY  
SERVICE**

Person spoken to was asked whether the defendant was in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the defendant is not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

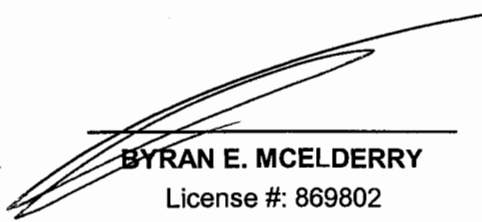
That at the time of such service deponent knew the person so served as aforesaid to be the same person mentioned and described as the defendant/respondent in this action.

Sworn to me on: November 6, 2007

Linda Forman  
Notary Public, State of New York  
No. 01FO5031305  
Qualified in New York County  
Commission Expires August 1, 2010

  
Robin M. Forman  
Notary Public, State of New York  
No. 01FO6125415  
Qualified in New York County  
Commission Expires April 18, 2009

Larry Yee  
Notary Public, State of New York  
No. 01YE5015682  
Qualified in New York County  
Commission Expires July 26, 2009

  
**BYRAN E. MCELDERRY**  
License #: 869802  
Docket #: 519178